

have never done anything to us." I have listened as political leaders commented that "this shows you this country is in trouble," and that "political assassination is becoming as American as apple pie," and that our country "is in really great danger when those—differing—voices can't be heard."

This is an assessment of the situation which might have been justifiable in the heat of the moment when a public official is killed and there is some evidence that it might be a plot. It is an assessment which no sound thinking person should make today, even under stress, unless he deliberately seeks to infect the country with an unwarranted sense of corporate guilt for political purposes.

For the truth of the matter is that the previous assassinations have all been at the hands of deranged individuals. As a society we bear no more guilt for their acts than for the acts of Richard Speck or the skyjackers, or any other unstable individual whose own torment leads him to acts of desperation.

I, too, believe we should continue to search for ways to minimize the opportunity or incentive to commit such crimes against our unheralded citizens as well as our national leaders.

But we must keep our perspective. We must remember our history: That an assassination attempt was made on Andrew Jackson's life in the first quarter of the 19th century; that in 1856 a Member of Congress beat Senator Charles Sumner senseless on the floor of the Senate and crippled him for life; that a madman killed President Lincoln in 1860; that another madman assassinated President Garfield in 1881 and still another took the life of President McKinley in 1901.

Eleven years later an assassination attempt seriously wounded President Theodore Roosevelt and others of his party while he campaigned for the presidency. In 1935 an assassin took the life of Louisiana Governor Huey P. Long. In 1954 there was a vicious attack on Members of the House of Representatives, several of whom were seriously wounded; and an attempt was also made to assassinate President Truman. Only 9 years separated that attack from the killing of President Kennedy, and no more than 25 years have separated any of the attacks mentioned.

Further, I do not set this forth as an exhaustive summary of such crimes or attempted crimes against political figures. Hardly a presidential election has gone by that some private citizen has not died in a quarrel over politics.

But we do not and must not attribute these individual acts to a whole Nation.

If anything contributes to the atmosphere that causes such acts it is the politics of confrontation in times of severe testing. If there is any lesson here, it is for the press and politicians to use the utmost discretion in inflaming passions for political purposes.

S. 1438—PROTECTION OF THE PRIVACY AND OTHER RIGHTS OF EXECUTIVE BRANCH EMPLOYEES

Mr. ERVIN. Mr. President, last December, the Senate by unanimous con-

sent gave its approval for the third time to S. 1438, a bill to protect the constitutional rights of executive branch employees and prohibit unwarranted governmental invasion of their privacy.

The bill is now pending before the House Post Office and Civil Service Committee. That committee also has on its agenda H.R. 11150, an amended version of S. 1438 reported from the Employee Benefits Subcommittee presided over by Representative JAMES HANLEY. H.R. 11150 is sponsored by Representatives HANLEY, BRASCO, UDALL, CHARLES H. WILSON, GALIFIANAKIS, MATSUNAGA, and MURPHY of New York.

Since it was first introduced in 1966 in response to complaints raised during the Kennedy and Johnson administrations, the need for this bill has been self-evident to everyone but the White House and some of those who do its political bidding in the civil service.

Its bipartisan nature is obvious from the fact that in three Congresses more than 50 Senators cosponsored it, and an overwhelming majority of the Senate approved it each time.

The history of the fight for enactment of this legislation is set out in an illuminating article written by Robert M. Foley and Harold P. Coxson, Jr., in volume 19 of the American University Law Review. Although the article discusses the bill as S. 782 in the 91st Congress, that version was identical to S. 1438 as passed by the Senate.

The authors have reservations about certain inadequacies of the bill, which I confess I share, but these are the results of compromises thought necessary to obtain passage. They also believe the bill does not go far enough in meeting other serious due process problems often encountered by individuals in their Federal employment. There are, I agree, major omissions in the statutory guarantees of the constitutional rights of these citizens and the authors define them well. As a practical matter, however, one piece of legislation cannot effect all of these changes. I believe we must begin with the passage of S. 1438.

I wish to offer the observation that a great deal of careful legislative drafting is reflected in the balance S. 1438 achieves between the first amendment rights of individuals and the needs of government as an employer. It is my sincere hope that the balance so carefully developed over a 5-year period will not be disturbed as the bill makes its way toward passage.

The authors conclude their analysis with these observations, which I commend to the attention of Members of Congress interested in protecting the right of privacy of all Americans:

There is no question of greater importance to a free society than that of defining the right of privacy. This right is the most important pillar of freedom. The framers of the Constitution, with a keen awareness of the ease with which tyrannous power can be used to erode freedom had this right clearly in mind as they wrote that citizens should be "secure in their persons, houses, papers, and effects, against unreasonable searches and seizures . . ." In fact, the heart of the Bill of Rights is predicated upon this right. In this light one must view the governmental incursions into this consti-

tutionally protected area. To allow encroachments upon the right to privacy of federal employees within the framework of free society may lead to an irreversible disintegration of the right to privacy for all.

The Court has been able to define some areas where privacy is protected, but this is not enough. There is no definitive guideline for such an interpretive process. The time is ripe for Congress to begin a comprehensive definition of this right, since this process obviously cannot be achieved entirely through the courts. The guideline must come from Congress, which is the only government body charged with expressing the common will of society. S. 782 appears to be a good stepping stone.

Mr. President, I ask unanimous consent that the article, entitled "A Bill to Protect the Constitutional Right to Privacy of Federal Employees," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the American University Law Review]
S. 782—A BILL TO PROTECT THE CONSTITUTIONAL RIGHT TO PRIVACY OF FEDERAL EMPLOYEES

LEGISLATIVE HISTORY

A State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes—will find that with small men no great thing can really be accomplished. . . .

Legislative attention has recently been focused on the unwarranted invasions of privacy and restrictions on liberty perpetrated by the Federal Government against its nearly three million civilian employees. S. 782, recently proposed in the 91st Congress, addresses the question posed by the philosopher John Stuart Mill a little over a century ago: What are the limits of legitimate interference with individual liberty? Today, expanding federal activities and increasing reliance on technological innovations have extended the traditional limits to the point that further interference will render "individual liberty" a hollow phrase. Although occasional encroachments on traditional areas of liberty and privacy might be justified by the overriding interests of society, there is a need to periodically re-examine the extent to which such encroachments will be sanctioned. "There is once again serious reason to suggest that the law must expand its protection if man's traditional freedoms are to be preserved."

S. 782 is a legislative attempt to protect federal employees from specific violations of their constitutional rights¹ and to provide a statutory basis for the redress of such violations.² The major emphasis of the bill is the protection of federal employees from unwarranted invasions of privacy by government officials. This article will demonstrate the need for S. 782, analyze its provisions, and measure its effectiveness.

For the past five congressional sessions, violations of federal employee rights have been the subject of "Intensive hearings and investigation" by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee.³ As a result of numerous complaints from civil servants,⁴ the Subcommittee initiated legislative hearings in June, 1965, on "Psychological Tests and Constitutional Rights."⁵ Following these hearings, the Chairman of the Subcommittee, Senator Sam J. Ervin, Jr. (D.-N.C.), wrote to then President Lyndon B. Johnson:

"The invasions of privacy have now reached such alarming proportions and are assuming such varied forms that the matter now demands your immediate and personal attention."

Footnotes at end of article.

STATINTL

COLUMBIA, S.C.

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STATINTL

Senate Bill Would Punch Peepholes Into The CIA

IF ONE were to set about to devise a sure way to disrupt American espionage, Sen. John Sherman Cooper's method sooner or later would suggest itself. Senator Cooper proposes, in a bill he has introduced, to require the Central Intelligence Agency to make full reports to the military and foreign affairs committees of Congress.

What we are dealing with here is no tiny, select group of congressmen, all sworn to keep their lips buttoned in a town where babble is the rule. We are talking about a Senate Foreign Relations Committee of 16 members and a House Foreign Affairs Committee of 38 members and a Senate Armed Services Committee of 16 members and a House Armed Services Committee of 39 members. Allowing for duplication in membership, we are still talking in terms of a hundred or so legislators, few if any of them with any experience in espionage.

To open the nation's intelligence files to this great throng of no doubt well-intentioned legislators would do very little to lengthen the odds on national survival—if one assumes a relationship between survival and intelligence. And it is only because Congress does assume the existence of such a relationship that it continues to fund the CIA. In other words, it would be cheaper to disallow the appropriation.

Secrets are hard enough to keep in Washington's tattle-tale society, as witness the Pentagon Papers and the Anderson Papers and who-knows-what-next; and let us not forget that

it was Sen. Mike Gravel who dashed madly to the microphones in the dead of night so that he might be the first to divulge the still-secret Pentagon Papers before the federal courts, just then beginning their deliberations, had an opportunity to declassify them.

It is into the hands of Senator Gravel, if he should happen to find his way into one of the affected committees, or into the hands of some other senator or representative whose flawed discretion has yet to come to light that Senator Cooper proposes to lay the nation's topmost intelligence data. The whole idea is preposterous.

Some will assert perhaps that congressional dealings with the Atomic Energy Commission show that security leaks are no problem. The situations are in no way analogous. The AEC reports to the Joint Committee on Atomic Energy, made up of only eight members from each house, all carefully selected and screened, presumably, to weed out reckless and irresponsible members.

None of these precautions are possible under Senator Cooper's bill.

What Senator Cooper proposes is to destroy the CIA as an effective instrument of national policy. He proposes to do it on the specious ground that only by breaching the U. S. intelligence apparatus can Congress faithfully discharge its duties to the American public. Perhaps some better method of congressional oversight is required. We do not say that it isn't. But we do say that Senator Cooper's method isn't it; and Congress we must hope will agree.

Hall tells what he would do if elected President of U.S.

STATINTL

By SAM KUSHNER

LOS ANGELES, Jan. 13 — At a crowded press conference here earlier this week, Gus Hall, presidential candidate of the Communist Party, told reporters that he would end the war, padlock the Pentagon, CIA and FBI, release Angela Davis and other political prisoners, and outlaw racism immediately if elected.

The conference attracted a score of radio and TV newscasters as well as newspaper reporters, and the interview got national as well as local coverage. Hall outlined what he would do on the first two days in office. "We would declare the war in Indochina over," he said. "We would order the withdrawal of all armed forces from Indochina followed by an order of withdrawal of armed forces from every corner of the world."

"We would order the padlocking of the three centers of aggression and repression in the U.S., the Pentagon, the Central Intelligence Agency headquarters and the FBI," the Communist Party general secretary added. This would be followed by the release of all political prisoners, "starting of course with Angela Davis here in California."

Honor resisters

Insofar as the young people "who have refused to participate in this immoral and unjust war," Hall said, "means will be devised to honor them, not just grant them amnesty."

To cap that memorable first day, he envisioned issuing executive orders "to outlaw racism in every respect" and also cancel war production contracts which he estimated would save the American people \$100 billion.

On the second day, Hall went on, his new administration would propose legislation for a massive housing program that would "eliminate the slums and provide housing at prices people could pay," increased hospital con-

struction, free medical care, unlimited unemployment compensation, and nationalization of the banks and basic industries. All these would be made possible with funds released from military spending.

Hits Nixon's 'joker'

During the presidential campaign, Hall said, he and his vice-presidential running mate, Jarvis Tyner, will hit hard at what he called "the joker in Nixon's plans about a generation of peace." Nixon's refusal to set the date for complete withdrawal indicates that he "has a plan of withdrawing enough to win the election but to be in a position to re-escalate the war after the election."

Hall said that he was exploring with Communist Party leaders in California possible plans for getting the party on the ballot here. He said he did not underestimate the impact of highly restrictive electoral laws which mitigate against accomplishing this.

He expressed full confidence that "a revolutionary party like ours will continue to grow as capitalism sinks deeper into crisis." "As far as the left is concerned," he said, "the CP is the most youthful and influential party that there is."

Candidates are workers

The Communist Party candidates "will influence the election," he added. "I think Americans will have a clearer understanding of how we face problems as a result of the election."

Hall said that special pride is taken by the Communist Party in



GUS HALL

the fact that both its candidates this year are workers. Tyner, president of the Young Workers Liberation League, is a young black metal worker from Philadelphia. Hall, a former steelworker, lumberjack and construction worker, helped organize the forerunner of the present Steelworkers Union.

STATINTL

LOUISVILLE, KY.

TIMES

Approved For Release 2001/03/04 : CIA-RDP80-01601R

E - 173,180

NOV 11 1971

Symington Questions Shake-Up in Intelligence

By PETER LISAGOR

© Chicago Daily News Service

WASHINGTON—If the Central Intelligence Agency (CIA) and allied units in the government have been inefficient or unresponsive, Sen. Stuart Symington, D-Mo., wants to know how and why.

Symington, ranking member of the Senate Armed Services Committee, also wants an explanation of why appropriate congressional committees were not consulted in advance of administrative changes in the intelligence operations announced by President Nixon last Friday.

A White House spokesman says there were consultations with key congressional leaders before the changes were made. But Symington says that the CIA subcommittee of the Armed Services Committee has not met this year.

Symington's challenge centered on the administration's alleged failure to consult Congress. While he admitted the changes might be "constructive," he posed several questions based on the White House press release that described the reorganization as an effort to improve the "efficiency and effectiveness" of all U.S. intelligence.

It would provide an "enhanced leadership role" for the CIA's director and would give presidential adviser Henry

Kissinger responsibility for making a net assessment of all available intelligence.

Symington asked in a statement on the Senate floor how the role of CIA Director Richard Helms was being "enhanced" by the "creation of a new and obviously more powerful supervisory committee chaired by the adviser to the President for national security affairs."

He also noted that the attorney general and the chairman of the Joint Chiefs of Staff will sit on the new committee. Symington asked two questions about it:

"Has this new White House committee been given authority or/and responsibility which heretofore was the responsibility of the CIA; and which the Congress, under the National Security Act, vested in the agency?"

"How can the integrity of the intelligence product be assured when responsibility for the most critical aspects of intelligence analysis is taken out of the hands of career professionals and vested in a combination of military professionals and the White House staff?"

STATINTL

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NEWS LEADER

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Absolute Power To The FBI, CIA?

According to a recent article in The Christian Science Monitor, "Lewis F. Powell Jr. of Virginia, one of President Nixon's two new nominees for the Supreme Court, says he believes the threat of internal subversion is such that it may be necessary to waive prior court authorization in order to wiretap in national-security cases involving 'the radical Left'.

"Law-abiding citizens have nothing to fear," he said.

Powell gives his reasons for this position as the government's stated need for 'secrecy' and in order to protect sources of information.

Two basic questions arise as a counter to Powell's position here. Who defines the 'law abiding citizen'? Does protecting the government's 'need' to secrecy mean an even greater concentration of power in the hands of the FBI and CIA which exercise that power insulated from the 'right' of the people to question it?

If the government's inner societies is given the unchecked power to define 'law abiding citizen', what will their definition be. Given the FBI and CIA's penchant for holding dossiers on even respected senators and congressmen let alone other critics of national policy, that definition may well narrow itself to the Archie Bunker types.

The real danger here is unchecked power. Powell is stating that the government's 'need' for secrecy and protection of sources is so great that the courts looking at it may be a risk.

Our government has been set up with three branches to check each other. What is happening here by eliminating the courts, which make constitutional judgements, is a cutting off of any constitutional restraint.

Since much of the money pouring into the FBI and CIA is secret, kept even from the members of congress, the congressional checks are already cut off.

STATINTL

LATROBE, PA. /
BULLETIN

SEP 30 1971

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Area Man

Appeals

CIA Suit

William D. Richardson of Greensburg, who is attempting to sue the federal government claiming that funds expended in secret by the Central Intelligence Agency (CIA) violate the U.S. Constitution, has appealed his case to the U.S. Third Circuit Court of Appeals.

Richardson filed a writ of certiorari this week, naming the United States, John Connally, Treasury Secretary, and S.S. Soko, Commissioner of Accounts, as respondents.

The petition asks the high court for leave to review a federal district court ruling which dismissed the case and refused to convene a three-judge court to hear the merits of the case.

Richardson claims the U.S. Constitution specifically forbids the government to expend funds in secret and that, as a result of secret accounting, reports by the U.S. Treasury are fraudulent.

He also alleges that funds for the CIA are drawn from the budgets of all other government agencies, making the accounts filed by those agencies false.

The federal government has 30 days in which to file an answer to the petition, after which the third circuit court will make a ruling.

Dossier on the

C.I.A.

by William R. Carson

For some time I have been disturbed by the way the CIA has been diverted from its original assignment. It has become an operational and at times policy-making arm of the government. I never thought when I set up the CIA that it would be injected into peacetime cloak-and-dagger operations. -- ex-President Harry S. Truman.

NOTHING has happened since that pronouncement by the agency's creator in December 1963 to remove or reduce the cause for concern over the CIA's development. As currently organized, supervised, structured and led, it may be that the CIA has outlived its usefulness. Conceivably, its very existence causes the President and the National Security Council to rely too much on clandestine operations. Possibly its reputation, regardless of the facts, is now so bad that as a foreign policy instrument the agency has become counter-productive. Unfortunately the issue of its efficiency, as measured by its performance in preventing past intelligence failures and consequent foreign policy fiascos, is always avoided on grounds of "secrecy". So American taxpayers provide upwards of \$750,000,000 a year for the CIA without knowing how the money is spent or to what extent the CIA fulfils or exceeds its authorized intelligence functions.

The gathering of intelligence is a necessary and legitimate activity in time of peace as well as in war. But it does raise a very real problem of the proper place and control of agents who are required, or authorized on their own recognizance, to commit acts of espionage. In a democracy it also poses the dilemma of secret activities and the values of a free society. Secrecy is obviously essential for espionage but it can be -- and has been -- perverted to hide intelligence activities even from those with the constitutional responsibility to sanction them. A common rationalization is the phrase "If the Ambassador/Secretary/President doesn't know he won't have to lie to cover up." The prolonged birth of the CIA was marked by a reluctance on the part of politicians and others to face these difficulties, and the agency as it came to exist still bears the marks of this indecision.

What we need to do is to examine how the U.S. gathers its intelligence, and consider how effective its instruments are and what room there is for improvement. Every government agency must be accountable to the public. The CIA's Director, acknowledged before the American Society

of Newspaper Editors should be supervised by the Intelligence Agency. The time is long overdue for a supervisory role for the Central Intelligence Agency in the Cold War. Under this CIA administration of inquiry by the public and specifically requiring disclosure of titles, salaries, and expenses of CIA; (ii) expectations on expenses of the Director's family without adverse effect on the Government and the Government for staff abroad and their families. 1949 Central Intelligence Director a license

With so much is seen by many as a series of stunts, coups, in Guatemala, Mossadegh in the Cuban failure). The President Kennedy 28, 1961, was heralded -- because the agency's "m...

representative of the unending gambitry and bigger than life human aspect of espionage and secret operations. At this level the stakes are lower and the "struggle" frequently takes bizarre and even ludicrous twists. For, as Alexander Foote noted in his *Handbook for Spies*, the average agent's "real" difficulties are concerned with the practice of his trade. The setting up of his transmitters, the obtaining of funds, and the arrangement of his rendezvous. The irritating administrative details occupy a disproportionate portion of his waking life."

As an example of the administrative hazards, one day in 1960 a technical administrative employee of the CIA stationed at its quasi-secret headquarters in Japan flew to Singapore to conduct a reliability test of a local recruit. On arrival he checked into one of Singapore's older hotels to receive the would-be spy and his CIA recruiter. Contact was made. The recruit was instructed in what a lie detector test does and was wired up, and the technician plugged the machine into the room's electrical outlet. Thereupon it blew out all the hotel's lights. The ensuing confusion and darkness did not cover a getaway by the trio. They were discovered, arrested, and jailed as American spies.

By itself the incident sounds like a sequence from an old Peters Sellers movie, however, its consequences were not nearly so funny. In performing this routine mission the CIA set off a two-stage international incident between England and the United States, caused the Secretary of State to write a letter of apology to a foreign chief of state, made the U.S. Ambassador to Singapore look like the proverbial cuckold, the final outcome being a situation wherein the United States Government lied in public -- and was caught.

Approved For Release 2001/03/04 : CIA-RDP80-01601R0

STATINTL



CIA: CONGRESS IN DARK ABOUT ACTIVITIES, SPENDING

Since the Central Intelligence Agency was given authority in 1949 to operate without normal legislative oversight, an uneasy tension has existed between an un-informed Congress and an uninformative CIA.

In the last two decades nearly 200 bills aimed at making the CIA more accountable to the legislative branch have been introduced. Two such bills have been reported from committee. None has been adopted.

The push is on again. Some members of Congress are insisting they should know more about the CIA and about what the CIA knows. The clandestine military operations in Laos run by the CIA appear to be this year's impetus.

Sen. Stuart Symington (D Mo.), a member of the Armed Services Intelligence Operations Subcommittee and chairman of the Foreign Relations subcommittee dealing with U.S. commitments abroad, briefed the Senate June 7 behind closed doors on how deeply the CIA was involved in the Laotian turmoil. He based his briefing on a staff report. (*Weekly Report* p. 1709, 1660, 1268)

He told the Senate in that closed session: "In all my committees there is no real knowledge of what is going on in Laos. We do not know the cost of the bombing. We do not know about the people we maintain there. It is a secret war."

As a member of two key subcommittees dealing with the activities of the CIA, Symington should be privy to more classified information about the agency than most other members of Congress. But Symington told the Senate he had to dispatch two committee staff members to Laos in order to find out what the CIA was doing.

If Symington does not know what the CIA has been doing, then what kind of oversight function does Congress exercise over the super-secret organization? (*Secrecy fact sheet, Weekly Report* p. 1785)

A Congressional Quarterly examination of the oversight system exercised by the legislative branch, a study of sanitized secret documents relating to the CIA and interviews with key staff members and members of Congress indicated that the real power to gain knowledge about CIA activities and expenditures rests in the hands of four powerful committee chairmen and several key members of their committees—Senate and House Armed Services and Appropriations Committees.

The extent to which these men exercise their power in ferreting out the details of what the CIA does with its secret appropriation determines the quality of legislative oversight on this executive agency that Congress voted into existence 24 years ago.

The CIA Answers to...

As established by the National Security Act of 1947 (PL 80-253), the Central Intelligence Agency was accountable to the President and the National Security

Council. In the original Act there was no language which excluded the agency from scrutiny by Congress, but also no provision which required such examination.

To clear up any confusion as to the legislative intent of the 1947 law, Congress passed the 1949 Central Intelligence Act (PL 81-110) which exempted the CIA from all federal laws requiring disclosure of the "functions, names, official titles, salaries or numbers of personnel" employed by the agency. The law gave the CIA director power to spend money "without regard to the provisions of law and regulations relating to the expenditure of government funds." Since the CIA became a functioning organization in 1949, its budgeted funds have been submerged into the general accounts of other government agencies, hidden from the scrutiny of the public and all but a select group of ranking members of Congress. (*Congress and the Nation* Vol. I, p. 306, 249)

THE SENATE

In the Senate, the system by which committees check on CIA activities and budget requests is straightforward. Nine men—on two committees—hold positions of seniority which allow them to participate in the regular annual legislative oversight function. Other committees are briefed by the CIA, but only on topical matters and not on a regular basis.

Appropriations. William W. Woodruff, counsel for the Senate Appropriations Committee and the only staff man for the oversight subcommittee, explained that when the CIA comes before the five-man subcommittee, more is discussed than just the CIA's budget.

"We look to the CIA for the best intelligence on the Defense Department budget that you can get," Woodruff told Congressional Quarterly. He said that CIA Director Richard Helms provided the subcommittee with his estimate of budget needs for all government intelligence operations.

Woodruff explained that although the oversight subcommittee was responsible for reviewing the CIA budget, any substantive legislation dealing with the agency would originate in the Armed Services Committee, not Appropriations.

No transcripts are kept when the CIA representative (usually Helms) testifies before the subcommittee. Woodruff said the material covered in the hearings was so highly classified that any transcripts would have to be kept under armed guard 24 hours a day. Woodruff does take detailed notes on the sessions, however, which are held for him by the CIA. "All I have to do is call," he said, "and they're on my desk in an hour."

Armed Services. "The CIA budget itself does not legally require any review by Congress," said T. Edward Braswell, chief counsel for the Senate Armed Services Committee and the only staff man used by the Intelligence Operations Subcommittee.

CIA Oversight Subcommittees

Four subcommittees have the official function of monitoring Central Intelligence Agency programs and passing judgment on the agency's budget before the figures are submerged in the general budget.

Senate. Armed Services Committee, Central Intelligence Subcommittee (reviews CIA programs, not the budget)—John C. Stennis (D Miss.), *Stuart Symington (D Mo.), Henry M. Jackson (D Wash.), Peter H. Dominick (R Colo.) and Barry Goldwater (R Ariz.);

Appropriations Committee, Intelligence Operations Subcommittee comprised of the five ranking members on the Defense Subcommittee—Allen J. Ellender (D La.), *John L. McClellan (D Ark.), Stennis, Milton R. Young (R N.D.), Margaret Chase Smith (R Maine);

Foreign Relations Committee in 1967 was invited by Stennis and Ellender to send three members to any joint briefings of the Appropriations and Armed Services oversight subcommittees. The three members were J.W. Fulbright (D Ark.), George D. Aiken (R Vt.) and Mike Mansfield (D Mont.). There have been no joint meetings in at least the last year. However, CIA Director Richard Helms did appear once in March before a Foreign Relations subcommittee.

House. Armed Services Committee, Intelligence Operations Subcommittee (created in July)—Lucien N. Nedzi (D Mich.), *William G. Bray (R Ind.), Alvin E. O'Konski (R Wis.), O. C. Fisher (D Texas), Melvin Price (D Ill.), with *ex officio* members F. Edward Hebert (D La.) and Leslie C. Arends (R Ill.).

Appropriations Committee, Intelligence Operations Subcommittee—membership undisclosed. Believed to be the five ranking members of the Defense Subcommittee headed by committee chairman George Mahon (D Texas). Also would include Robert L. F. Sikes (D Fla.), Jamie L. Whitten (D Miss.), William E. Minshall (R Ohio), John J. Rhodes (R Ariz.).

* Indicates subcommittee chairman.

The role of the Armed Services Committee is not to examine the CIA's budget, Braswell said, but rather to review the programs for which the appropriated funds pay.

"The budget is gone into more thoroughly than people (on the committee) would admit," Braswell explained. "It's just reviewed in a different way than, say, the State Department's budget is." The committee's chief counsel said the budget review was conducted by a "very select group...more select than the five-man subcommittee."

In the June 7 closed session of the Senate, Jack Miller (R Iowa) said, "I find it very difficult to believe that the oversight committee could not obtain some pretty accurate information on how much of that CIA money was going to Laos."

Symington's reply: "There is a war going on in Laos and money is being spent in heavy quantities about which the Senate knows nothing. I am a member of literally all the committees involved. Each time we go

into Laos and believe we have uncovered the last leaf of what has been and is going on, we find later that it is not true."

Foreign Relations. Since the CIA never has been recognized officially as an agency involved in making foreign policy, the operations of the agency have not regularly been scrutinized by the Foreign Relations Committee. The Armed Services Committee reviews the agency's program annually because threats to the United States, against which the CIA guards, traditionally have been military in nature. The Appropriations Committee checks on the CIA's budget because the committee examines all money requests of government agencies; the CIA provides valuable intelligence on Pentagon programs about which the committee has an interest. The Foreign Relations Committee was a newcomer into the circle of CIA-knowledgeable committees.

In the spring of 1967, secret CIA aid for student activities became the cover story for *Ramparts* magazine. The national press picked up the story and soon it became widely known that the CIA had been contributing money to the National Student Association (NSA) and other tax-exempt foundations and was playing more than a casual role in jockeying CIA personnel into leadership positions in the various organizations.

The response in Congress to the NSA story was the introduction of seven bills in one month—all aimed at allowing Congress a closer look at the CIA. One proposal, sponsored by former Sen. Eugene J. McCarthy (D Minn. 1959-71), would have involved an investigation of the CIA by a select committee armed with subpoena power. A proposal to set up a similar oversight and investigating committee had been killed in 1966 on a procedural ruling regarding committee jurisdiction. With the new series of embarrassing CIA revelations, the McCarthy proposal posed a threat to the long-standing oversight system.

Don Henderson, a Foreign Relations Committee staff member, said that in an effort to undermine support for the McCarthy bill, the Foreign Relations Committee was invited to send three members to all CIA joint briefings held by the Armed Services and Appropriations Committees. The original members were J. W. Fulbright (D Ark.), Mike Mansfield (D Mont.) and Bourke B. Hickenlooper (R Iowa), who was replaced by George Aiken (R Vt.) when Hickenlooper retired in 1968.

Woodruff, counsel for the Armed Services Committee, said that the committee had not met jointly on CIA business with the Appropriations Committee for at least one year. "Maybe it's been two years," he said, "I'm not sure."

CIA Director Helms, however, appeared before the Foreign Relations Committee for a special briefing on Laos in March.

"I have known," Fulbright told the Senate during the June 7 closed session, "and several (other) Senators have known about this secret army (in Laos). Mr. Helms testified about it. He gave the impression of being more candid than most of the people we have had before the committee in this whole operation. I did not know enough to ask him everything I should have...."

THE HOUSE

Two committees in the House acknowledged that they participate in oversight of the CIA—Armed Services and Appropriations. The Armed Services Committee has

a five-man subcommittee reviewing the programs of all intelligence organizations. The Appropriations Committee refused to say who on the committee reviews the CIA budget.

Armed Services. A new subcommittee formed in July has filled a hole on the committee that has been left since F. Edward Hebert (D La.) reorganized the Armed Services Committee and abolished the CIA Oversight Subcommittee that had been run by the late L. Mendel Rivers, chairman of the committee until his death Dec. 28, 1970.

Hebert's plan was to democratize the committee by allowing all to hear what the CIA was doing instead of just a select group of senior members. Freshman committee member Michael Harrington (D Mass.) said that Hebert was making an honest attempt to spread the authority, but the full committee CIA briefings were still superficial. "To say that the committee was performing any real oversight function was a fiction," Harrington said.

When Helms came before the full committee, Harrington asked what the CIA budget was. Helms said that George Mahon (D Texas), chairman of the Appropriations Committee, had instructed him not to reveal any budget figures unless Armed Services Chairman Hebert requested the information. Hebert said "no" according to Harrington and the budget figures remained a mystery.

As in the Senate, the House Armed Services Committee is responsible more for what the CIA does than how much it spends, according to the committee's chief counsel, John R. Blandford. The Armed Services Committee does not meet jointly for CIA briefings with the Appropriations Committee or with the Foreign Affairs Committee, Blandford said.

The new subcommittee, responsible for reviewing all aspects of intelligence operations, was put under the leadership of Lucien N. Nedzi (D Mich.)—a leading House opponent of the Indochina war and critic of Pentagon spending. Hebert said he chose Nedzi "because he's a good man, even though we're opposed philosophically." Hebert's predecessor as committee chairman, Mendel Rivers, regarded the oversight subcommittee as so important he named himself as subcommittee chairman. Nedzi said that Hebert had placed no restrictions on how the subcommittee should be run or what it should cover.

When Hebert took over as chairman of the full committee and abolished the CIA Oversight Subcommittee, there were 10 members of the subcommittee. One of the original 10 left Congress in January, one died, Hebert and Leslie C. Arends (R Ill.) currently serve as ex officio members, four have been renamed to the subcommittee and two members have been bumped—Charles E. Bennett (D Fla.) and Bob Wilson (R Calif.). Both Blandford, the subcommittee's new staff man, and Harrington said that the new subcommittee was formed because the full committee hearings were too unwieldy, not because Hebert wanted Bennett and Wilson off the subcommittee.

Appropriations. In interviews with two staff members of the House Appropriations Committee, Congressional Quarterly learned that the membership of the committee's intelligence oversight subcommittee was confidential. When asked why the membership was a secret, Paul Wilson, staff director, said: "Because that's

Intelligence Reorganization

The Central Intelligence Agency was created as the clearinghouse of intelligence information gathered by the various government agencies responsible for espionage, code-cracking and other forms of intelligence work. The CIA was intended to loosely coordinate operations of all the different intelligence-gathering groups.

The plan as originally conceived has not worked to total satisfaction. *The Washington Post* reported Aug. 16 that the White House, which ordered a study of ways to consolidate the far-flung intelligence-gathering operations of all branches of government, was looking for ways to cut at least \$500-million and 50,000 employees from the estimated \$5-billion and 200,000 employees currently representing what is believed to be the total intelligence program.

The *Post* reported that Allen J. Ellender (D La.), chairman of the Senate Appropriations Committee, has forced the Administration to look into budget-cutting plans by threatening to slice a piece of the appropriation from the White House request.

the way it's always been." Ralph Preston, a staff man for the Defense Subcommittee, said the information was a secret, but admitted that more members than just Chairman Mahon were responsible for reviewing the agency's budget.

Rep. Harrington said he has requested the composition of the subcommittee and has been refused the information. "I'm just sure the CIA committee consists of the five ranking members of Mahon's subcommittee on defense," Harrington said. Other sources indicated that Harrington's conclusion was correct.

Quality of Congress' Oversight

Because most members of Congress have not been aware of what the CIA was planning until long after the agency had already acted, more than one Senator or House member has made embarrassing statements out of line with fact.

Former Sen. Wayne Morse (D Ore. 1945-69), a member of the Foreign Relations Committee, took the Senate floor April 20, 1961—five days after the Cuban Bay of Pigs invasion—and said: "There is not a scintilla of evidence that the U.S. government has intervened in the sporadic rebellion which has occurred inside Cuba. That rebellion has been aided from outside by Cuban rebel refugees who have sought to overthrow the Castro regime."

Four days later Morse admitted: "We now know that there has been a covert program under way to be of assistance to the Cuban exiles in an invasion of Cuba and that assistance was given by the United States government. We did not know at the legislative level, through the responsible committees of the Senate, what the program and the policies of the CIA really were."

The Morse speech, delivered nine days after the Bay of Pigs invasion, was the first mention in either the House or Senate of U.S. involvement in the invasion attempt. (*Congress and the Nation Vol. I, p. 127*)

Four Approaches to Change

Although more than a dozen bills and amendments relating to greater legislative control of the CIA were introduced in the Senate and House prior to Aug. 6 (summer recess), four basic approaches to altering the present system of oversight have emerged.

- In every Congress since 1953, a resolution has been introduced which sought to establish a joint committee on intelligence operations and information which would include members of key committees from both the Senate and House. From the 83rd to the 92nd Congress this type of resolution has been introduced, referred to committee and killed by lack of action.

- The approach adopted by Sen. George McGovern (D S.D.) in S 2231 was aimed at gaining a single-sum disclosure of the CIA budget to be voted on by the House and Senate as a line budget item annually.

- A proposal which sought to provide Congress with more intelligence information without either limiting CIA activities or disclosing the agency's expenditures was introduced by Sen. John Sherman Cooper (R Ky.). The bill (S 2224) requested that the two Armed Services Committees, the Senate Foreign Relations Committee and House Foreign Affairs Committee be provided with regular and thorough CIA briefings with information and details included in the briefing which would be similar to the data provided the White House.

- The approach adopted by Senators Frank Church (D Idaho) and Clifford P. Case (R N.J.) and Rep. Herman Badillo (D N.Y.), among others, has been to sponsor proposals aimed not at learning more of what the CIA knows, but at limiting the agency to information gathering rather than military and para-military operations. (*Radio Free Europe*, p. 1850)

While explaining the details of the Central Intelligence Act of 1949, former Sen. Millard E. Tydings (D Md. 1927-51) said in a May 27, 1949, floor speech: "The bill relates entirely to matters external to the United States; it has nothing to do with internal America. It relates to the gathering of facts and information beyond the borders of the United States. It has no application to the domestic scene in any manner, shape or form."

Committee investigations into tax-exempt foundations in 1964 produced an informal report issued by Rep. Wright Patman (D Texas) labeling the Kaplan Fund as a conduit for CIA money. The fund described its purposes in its charter as to "strengthen democracy at home." Patman later agreed to drop the committee investigation saying, "No matter of interest to the subcommittee relating to the CIA existed." (*Congress and the Nation* Vol. I, p. 1780)

In the spring of 1967, another example of domestic CIA programming emerged as it became known that the National Student Association was receiving money from the CIA and that the agency had been involved in manipulating the leadership of the student organization.

Laos. The most recent case study of Congress lacking knowledge about CIA activities has been in the

series of revelations which came from the June 7 closed Senate session briefing on Laos requested by Symington. (*Weekly Report* p. 1709, 1660, 1268)

Three times during the two-hour session, Symington, a member of the Armed Services subcommittee on CIA oversight, said that although he knew the CIA was conducting operations in Laos, he did not know how extensive the program was.

"Nobody knows," Symington said, "the amounts the CIA is spending while under orders from the executive branch to continue to supervise and direct this long and ravaging war (in Laos)."

Minutes after Symington said that in all of his subcommittees—which included the Armed Services Intelligence Subcommittee under the chairmanship of John C. Stennis (D Miss.)—there was "no real knowledge about what is going on in Laos." Stennis took the floor and said: "The CIA has justified its budget to our subcommittee and as always they have come with expenditures right in line with what they were authorized expressly to do.... They (CIA) have told us from time to time about their activities in Laos."

"It has been said that we all know about what the CIA is doing," Fulbright retorted. "I have been on the CIA oversight committee and I have never seen any detailed figures (on Laos) whatever. Often the briefings are about how many missiles the Russians have. When we ask about specific operations, they say they are too secret; they can only report to the National Security Council, which means to the President. There is a lot I did not know about, specifically in Laos."

Stennis said that the secret report on CIA activity in Laos, compiled by Foreign Relations Committee staff members, contained some information he was not familiar with, information he had not been told in his capacity as chairman of the Armed Services Intelligence Operations Subcommittee.

"I think we all know," Stennis said, "that if we are going to have a CIA, and we have to have a CIA, we cannot run it as a quilting society or something like that. But their money is in the clear and their forthrightness, I think, is in the clear."

Sen. Miller criticized Symington for saying the Congress was appropriating money blindly: "We should not leave the impression that the Senate somehow or other has been helpless in this matter. We are all mature individuals and we know what we are doing. We have appropriated a lot of money for the CIA. If we have done so, knowing the CIA is an executive privilege agency, I think we have done so with our eyes wide open. Maybe we should change that. That is something else."

"But let us not say the Senate has been hoodwinked or leave the impression we have been misled and have not known what is going on. I think we may have lacked information on the specifics, and the Senator (Symington) is pulling out information on specifics, but the Senators who voted on these appropriations for the CIA voted for them with our eyes wide open, knowing what we were doing. Maybe we should change it. It is something for future debate."

"I would be the last to say he (Miller) had been hoodwinked," Symington commented, "or that any other member of the Senate had been hoodwinked. But I have been hoodwinked, and I want the Senate to know this afternoon that that is the case."

Congress Turns to the CIA

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Congress, in its continuing Vietnam-inspired effort to break the Executive's near monopoly of powers in foreign affairs, is now tackling the Central Intelligence Agency. This is understandable, and was to be expected, too. The agency's powers are great—or so one suspects; no one representing the public is really in a position to know. Yet because it operates under virtually absolute secrecy, it does not receive even that incomplete measure of public scrutiny which the Defense and State Departments undergo.

The proposals in Congress affecting the CIA fall into two categories. Those in the first category start from the premise that the CIA is essentially an operations agency and an ominous one, which is beyond public control and which must somehow be restrained—for the good of American foreign policy and for the health of the American democratic system alike.

So Senator Case has introduced legislation to prevent CIA from financing a second country's military operations in a third country (e.g., Thais in Laos) and to impose on the agency the same limitations on disposing of "surplus" military materiel as are already imposed on Defense. The thrust of these provisions is to stop the Executive from doing secretly what the Congress has forbidden it to do openly. Unquestionably they would restrict Executive flexibility, since the government would have to justify before a body not beholden to it the particular actions it wishes to take. The advantage to the Executive would be that the Congress would then have to share responsibility for the actions undertaken. Since these actions involve making war and ensuring the security of Americans, if not preserving their very lives, we cannot see how a serious legislature can evade attempts to bring them under proper control.

Senator McGovern's proposal that all CIA expenditures and appropriations should appear in the budget as a single line item is another matter. He argues that taxpayers could then decide whether they wanted to spend more or less on intelligence than, say, education. We wonder, though, whether a serious judgment on national priorities, or on CIA's value and its needs, can be based on knowing just its budget total. In that figure, critics might have a blunt instrument for polemics but citizens would not have the fine instrument required for analysis.

In the House, Congressman Badillo recently offered an amendment to confine the CIA to

gathering and analyzing intelligence. This is the traditional rallying cry of those who feel either that the United States has no business running secret operations or that operational duties warp intelligence production. The amendment, unenforceable anyway under existing conditions, lost 172 to 46, but floor debate on it did bring out a principal reason why concerned legislators despair of the status quo: Earlier this year House Armed Services chairman Hebert simply abolished the 10-man CIA oversight subcommittee and arrogated complete responsibility to himself. Congressman Badillo is now seeking a way to reconstitute the subcommittee. This is a useful sequence to keep in mind when the agency's defenders claim, as they regularly do, that CIA already is adequately overseen by the Congress.

Between these proposals and Senator Cooper's, however, lies a critical difference. Far from regarding CIA as an ominous operational agency whose work must be checked, he regards it as an essential and expert intelligence agency whose "conclusions, facts and analyses" ought to be distributed "fully and currently" to the germane committees of Congress as well as to the Executive Branch. He would amend the National Security Act to that end. His proposal is, in our view, the most interesting and far-reaching of the lot.

To Mr. Cooper, knowledge is not only power but responsibility. A former ambassador, he accepts—perhaps a bit too readily—that a large part of national security policy is formulated on the basis of information classified as secret. If the Congress is to fulfill its responsibilities in the conduct of foreign affairs, he says, then it must have available the same information on which the Executive acts—and not as a matter of discretion or chance but of right. Otherwise Congress will find itself again and again put off by an Executive saying, as was said, for instance, in the ABM fight, "if you only knew what we knew..." Otherwise Congress will forever be running to catch up with Executive trains that have already left the station.

The Cooper proposal obviously raises sharp questions of Executive privilege and of Executive prerogative in foreign policymaking—to leave aside the issue of keeping classified information secure. But they are questions which a responsible Congress cannot ignore. We trust the Cooper proposal will become a vehicle for debating them in depth—and in public, too.

8 JUL 1971

CIA Report Bill Backed In Senate

By RICHARD DUDMAN

Chief Washington Correspondent
of the Post-Dispatch

WASHINGTON, July 8 — Senator John Sherman Cooper (Rep.), Kentucky, has obtained strong bipartisan backing for a proposal to require the Central Intelligence Agency to report to Congress as well as to the Executive Branch.

Cooper, a moderate opponent of the Vietnam War and of the antiballistic missile system, introduced his proposal yesterday as an amendment to the National Security Act of 1947, which created the Department of Defense, the National Security Council and the CIA.

Senators Stuart Symington (Dem.), Missouri, J. William Fulbright (Dem.), Arkansas, and Jacob K. Javits (Rep.), New York, announced their support for the measure on the Senate floor. Fulbright spoke of holding hearings on the proposal.

Symington, chairman of a foreign relations subcommittee on overseas commitments, told of difficulties he had had in obtaining full information about secret U.S. military preparations and operations abroad, including the clandestine warfare being conducted in Laos.

Symington noted that he was a member of the Foreign Relations, Armed Services and Joint Atomic Energy committees. He said that his best information had been obtained from the last of these, attributing that fact to a requirement in the Atomic Energy Act that the Atomic Energy Commission keep Congress "fully and currently" informed.

Cooper used that phrase in his proposed amendment on the CIA. An aid said that Cooper had found CIA information generally reliable on such matters as Soviet military preparedness and the Indochina War but had noted that it was rendered only in response to specific questions.

Under his amendment, the CIA would have to take the initiative in sending Congress its analyses of problems of foreign policy and national security.

The aid said that Cooper had been considering such a measure for several years. He said the publication of the Pentagon papers had demonstrated once more the value of CIA reports and probably had broadened support in Congress for a requirement to make them available.

In a Senate speech, Cooper proposed that the CIA be required to make regular and special reports to the House Armed Services and Foreign Affairs committees and to the Senate Armed Services and Foreign Relations committees. Additional special reports could be requested by the committees.

Any member of Congress or designated member of his staff would have access to the information. All such persons would be subject to security requirements such as those in the Executive Branch.

Cooper said that the best information should be available to the Executive and Legislative branches as a basis for national decisions involving "vast amounts of money, the deployment of weapons whose purpose is to deter war yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations."

Two other Senators offered proposals relating to the CIA.

George S. McGovern (Dem.), South Dakota, suggested that expenditures and appropriations for the intelligence agency appear as a single line item in the budget. Agency funds now are concealed in other items in the budget.

Three bills were introduced by Senator Clifford P. Case (Rep.), New Jersey, to limit covert use of funds and military equipment by the CIA for

fielding foreign troops in Laos or elsewhere without specific approval by Congress.

Case said they were designed "to place some outside control on what has been the free-wheeling operation of the Executive Branch in carrying on foreign policy and even waging foreign wars."

Meanwhile, the House rejected a proposal that the Administration be required to tell it



John Sherman Cooper

what the military and CIA were doing in Laos.

By a vote of 261 to 118, members tabled — and thus killed — a resolution introduced by Representative Paul N. McCloskey (Rep.), California, that would have ordered the Secretary of State to furnish the House with the policy guidelines given to the U.S. ambassador in Laos.

The ambassador has responsibility for overseeing the clandestine military operations in Laos aimed at assisting the royal Laotian government in its struggle with the Pathet Lao.

William B. Macomber Jr., deputy under secretary of state, clashed yesterday with McCloskey over whether the Department of State was directing U.S. bombing attacks in Laos.

Macomber denied the allegation and suggested that if McCloskey wanted to pursue the issue he ought to invite an East Asia expert from the State Department to testify.

The exchange occurred as Macomber testified before a House foreign affairs subcommittee on ways to improve declassification of Government records by the State Department.

Macomber said 10 to 12 years' retention ought to be adequate to protect Government secrets while not being so long as to keep them from being known about operations.

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would perform the function of governing the local agencies, as the Farm Credit system now operates.

Another agency, the Rural Development Investment Equalization Administration, would handle the subsidy end of this proposal. It would be handled separately to avoid problems of getting loan and grant money mixed into the same financial pot.

It has been alleged by those who claim that industry will not move to rural America that it costs more money to operate away from the population centers, and as a result, the chance for a major dispersal of industry is doomed to failure.

The sponsors of the Consolidated Farm and Rural Development Act do not necessarily agree with this conclusion, but a number of states have proved that investment incentives do draw industries.

Rather than provide under-the-table or backdoor subsidies, this legislation would make open subsidies available, but only under stringent and controlled circumstances, and this would be done on a national basis rather than the state-by-state effort now going on.

It must be stressed that these would not be relief payments to fiscally healthy industries, but they would be incentives to American industry to disperse.

There would be two kinds of subsidies:

1. *Interest supplements:* If a firm cannot pay his interest out of local earnings without dipping into its capital, the company can be given an interest supplement by the Rural Development Investment Equalization Administration. The payment could not bring the firm's interest level lower than one-percent.

2. *Rural Development Capital Augmentation Payments:* If a community wanted to build a sewer system, a calculation would be made of how much such a system would cost, and then it would be determined how much the people in the community could reasonably be expected to pay for it. The difference between these two figures would be the Rural Development Capital Augmentation payment. The same formula could be used for development of new industry, but again it must be stressed that this procedure would be under strict controls so that this money would not be used for fly-by-night or doomed-to-fail businesses.

THE REORGANIZATION

Under this bill farm and non-farm credit would come under a new Assistant Secretary of Agriculture. Under him, in two separate agencies, would be the Farm Development Administration, which now handles all farm credits (under the title Farmers Home Administration) and the Rural Enterprise and Community Development Administration, which would handle all non-farm rural credit.

The new assistant secretary would be assigned to no other duties than to oversee all rural credit. At present, the assistant secretary handling this task, must also supervise a wide range of other activities.

The 19 members of the Rural Development Credit Board would have five members appointed by the President of the United States; five nominated by the President Pro tempore of the Senate; and five nominated after consideration of the recommendations of the Speaker of the House.

The Secretary of Agriculture would appoint the same person who is his representative to the Farm Credit Board. The governor of the Farm Credit Administration would be another member of the board. The Executive Director of the Rural Development Credit Agency, and the Rural Development Investment Equalization Administration would sit on the board as ex-officio members.

By Mr. COOPER:

S. 2224. A bill to amend the National Security Act of 1947, as amended, to keep

the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency. Referred jointly to the Committees on Armed Services and Foreign Relations, by unanimous consent.

Mr. COOPER. Mr. President, the formulation of sound foreign policy and national security policy requires that the best and most accurate intelligence obtainable be provided to the legislative as well as the executive branch of our Government. The approval by the Congress of foreign policy and national security policy, which are bound together, whose support involves vast amounts of money, the deployment of weapons whose purpose is to deter war, yet can destroy all life on earth, the stationing of American troops in other countries and their use in combat, and binding commitments to foreign nations, should only be given upon the best information available to both the executive and legislative branches.

There has been much debate during the past several years concerning the respective powers of the Congress and the Executive in the formulation of foreign policy and national security policy and the authority to commit our Armed Forces to war. We have experienced, unfortunately, confrontation between the two branches of our Government. It is my belief that if both branches, executive and legislative, have access to the same intelligence necessary for such fateful decisions, the working relationship between the Executive and the Congress would be, on the whole, more harmonious and more conducive to the national interest. It would assure a common understanding of the purposes and merits of policies. It is of the greatest importance to the support and trust of the people. It is of the greatest importance to the maintenance of our system of government, with its separate branches, held so tenuously together by trust and reason.

It is reasonable, I submit, to contend that the Congress, which must make its decisions upon foreign and security policy, which is called upon to commit the resources of the Nation, material and human, should have all the information and intelligence available to discharge properly and morally its responsibilities to our Government and the people.

I send to the table a bill amending the National Security Act of 1947, which, I hope, would make it possible for the legislative branch to better carry out its responsibilities.

I read the amendment at this point:

To amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency.

That section 192 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"(g) It shall also be the duty of the Agency to inform fully and currently, by means of special reports in response to requests, and

by, the Committees on Armed Services and Foreign Affairs, of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security including full and current analysis by the Agency of such information.

"(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access."

The bill would, as a matter of law, make available to the Congress, through its appropriate committees, the same intelligence, conclusions, facts, and analyses that are now available to the executive branch. At the present time, the intelligence information and analyses developed by the CIA and other intelligence agencies of the Government are available only to the executive as a matter of law. This bill would not, in any way, affect the activities of the CIA, its sources or methods, nor would it diminish in any respect the authority of already existing committees and oversight groups, which supervise the intelligence collection activities of the Government. My bill is concerned only with the end result—the facts and analyses of facts. It would, of course, in no way inhibit the use by the Congress of analyses and information from sources outside the Government. It is obvious that with the addition of intelligence facts and their analyses, the Congress would be in a much better position to make judgments from a much more informed and broader perspective than is now possible.

The National Security Act of 1947 marked a major reorganization of the executive branch. This reorganization made it possible for the executive branch to assume more effectively the responsibilities of the United States in world affairs and the maintenance of our own national security. The National Security Act of 1947 created the Department of Defense and the unified services as we now know them.

Section 102 of the National Security Act of 1947, established the Central Intelligence Agency under a Director and Deputy Director, appointed by the President, by and with the advice and consent of the Senate. Under the direction of the National Security Council, it was directed to advise the National Security Council on matters relating to national security and "to correlate and evaluate intelligence relating to national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities."

The language does not specifically bar the dissemination of intelligence to the Congress.

STATINTL

DROP IS EXPECTED IN 'SECRET' MEMOS

Fulbright Says That Ruling Will Have 'Psychological' Effect' on Government

By MARJORIE HUNTER
Special to The New York Times

WASHINGTON, June 30—Congressional leaders today generally applauded the Supreme Court decision on publication of material from Pentagon papers.

The ruling was greeted with almost silence by the White House officials of the Nixon Administration.

Asked if the White House had any reaction, Ronald L. Ziegler, press secretary to the President, replied, "I have no comment on the Supreme Court decision today."

Asked what the President thought of the decision, Mr. Ziegler said: "The President is aware of the Supreme Court decision. He has been in a National Security Council meeting this afternoon."

And asked if the President supported freedom of the press, Mr. Ziegler replied: "There is no need for me to comment on that. The President's stand on the First Amendment and freedom of the press is well known."

Mitchell: No Comment

A Justice Department spokesman said that Attorney General John N. Mitchell would have no comment on the Court's ruling.

But at the State Department and on Capitol Hill, the Court decision was generally viewed as certain to speed up the process of declassifying many documents, some of them dating back many years, now stamped "secret" and "top secret."

State Department officials said that the Court decision was certain to discourage many officials from writing too many "secret" memos, but they said they did not think that this would seriously affect foreign policy process.

Senator J. W. Fulbright, Democrat of Arkansas, chairman of the Foreign Relations Committee, said that the decision was certain to have "a tremendous psychological effect" on secrecy in government

and "indiscriminate" classification of documents.

"I could not be more pleased if I were editor of The New York Times," he said. "The Times has justified the First Amendment."

'Great Day for Freedom'

The Senate Democratic leader, Mike Mansfield of Montana, reacted more cautiously to the decision but said that, barring matters affecting national security, "this will be a good move in the freedom of information area for the American people and, may I say, for the United States Congress as well."

Senator Hubert H. Humphrey, Democrat of Minnesota, said in a floor speech: "The Court has performed its most valuable service for many a year. . . . This is a great day for freedom in the land."

While reaction to the Court's decision was generally favorable, several Senators were openly critical of the New York Times for printing the documents and of Dr. Daniel Ellsberg, a former Defense Department official who has said that he gave the press the 47-volume Pentagon study on United States involvement in Vietnam.

Senator Barry Goldwater, Republican of Arizona, said that he felt that The New York Times and Dr. Ellsberg should be charged under the Espionage Act.

Dr. Ellsberg was indicted this week on a charge of unauthorized possession of "documents and writings related to the national defense"—it carries a penalty of up to 10 years in prison, \$10,000 fine or both—and was released on \$50,000 bail. No criminal charges have been filed against The Times or other newspapers.

Newspapers Criticized

Senator Gordon Allott, Republican of Colorado, said that he felt that The New York Times and other papers had set themselves above the law. "This cannot be permitted," he added.

The main issue, Senator Allott said, is whether people in government with the responsibility of classifying documents "are going to be allowed to make those decisions, or whether the press is going to make the decisions for them."

Several Government panels are now looking into the question of classification and declassification of documents.

State Department officials disclosed today that Secretary William P. Rogers had quietly ordered the creation of such a panel shortly after articles on the Pentagon study began appearing in The Times and other

Department officials said that the group would study how best to make available to Congress or to the press information that was now Classified.

Another governmental panel, headed by Assistant Attorney General William H. Rehnquist, is reviewing the Government's system of classification and declassification.

Mr. Rehnquist told a House

Government Operations Subcommittee today that too many Government documents are classified. David O. Cooke, Deputy Assistant Secretary of Defense, told the subcommittee yesterday that at least 20 million Government documents are now classified, a number that he said he felt was excessive.

Meanwhile, a Defense Department official said tonight that consideration was being given to printing copies of the Pentagon papers for members of Congress. However, he said, that no final decision had been made.

Senator Edmund S. Muskie, Democrat of Maine, said today that he would introduce a bill to create an independent board to declassify appropriate documents "and provide Congress and the public the information they must have to play their proper roles in our democratic system."

Senator Muskie said that the Court decision "is a victory for the American people's right to know."

Symington 'Gratified'

Senator Jacob K. Javits, Republican of New York, termed the Court ruling a "historic reaffirmation of freedom of the press" and a reaffirmation of "the good judgment and high patriotic sense of The New York Times and The Washington Post."

Senator Stuart Symington, Democrat of Missouri, said that he was "gratified by the decision."

"What the press is really doing here," he said, "is a job the legislature should have done for itself." He added that he did not think The Times should be criminally prosecuted for publishing the documents.

Senator George S. McGovern of South Dakota, the only announced candidate for the Democratic Presidential nomination, said that he "never doubted the First Amendment meant what it said."

Senator McGovern said he also never doubted that the Court would "stand with the men who wrote the Constitution rather than those in this Administration who think that freedom of the press is just another political catch phrase."

The Senate Republican leader, Hugh Scott of Pennsylvania, said that he was "pleased that the Supreme Court has ruled in favor of a free press."

But Senator Robert A. Taft Jr., Republican of Ohio, while praising the Court for upholding freedom of the press, said that the ruling presented "some serious problems for Congress" on protecting truly sensitive documents.

Representative William S. Moorhead, Democrat of Pennsylvania, chairman of a House government operations subcommittee investigating government secrecy, said that he was "gratified" at the court ruling.

But Representative Samuel A. Stratton, Democrat of upstate New York, said that he felt the Court had made "a very serious mistake."

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Approved For Release 2001/03/04 : CIA-RDP80-01601R000100260001-5

24 JUN 1971

Nixon Gives Hill Access to Studies

By Carroll Kilpatrick and Richard L. Lyons

Washington Post Staff Writers

President Nixon announced yesterday that he will make available to the House and Senate the secret Pentagon study on American involvement in Vietnam and the special study on the Tonkin Gulf incident. The documents would not be made public.

House and Senate leaders promptly began arrangements to receive the documents and the Senate reached tentative agreement to conduct a full-scale public investigation into the documents and related material.

Senate Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.) said a proposal by Senate Democratic Leader Mike Mansfield (Mont.) for a special investigation by eight members of Foreign Relations and eight members of the Armed Services Committee was tentatively approved.

Before the full-scale public investigation is held in the fall, Fulbright said, his committee will seek \$250,000 for a closed-door investigation of its own into Southeast Asia policy. The study would be valuable preparation for the public investigation, Fulbright said.

The secret documents sent to the Senate will be deposited in the office of the secretary of the Senate, Fulbright said.

They will be available to Foreign Relations Committee members and to staff. Other senators are expected to be allowed to see the papers later.

In the House, Rep. F. Edward Hebert (D-La.), chairman of the Armed Services Committee, said a special office would be made secure to house the papers. He said he would not accept the papers until the Department of Defense pronounces the office secure.

"I want them to tell us it's secure," Hebert said. "I don't want any monkeyshines."

The two sets of documents will presumeably be made available to the eight sets the Pentagon has, two of which were pulled

back from the Rand Corp. earlier in the week. No specific date for delivery to the Hill had been set last night.

Under House rules, all members may read the papers because once a document has been received by a committee it becomes the property of the House and open to all members.

Speaker Carl Albert (D-Okla.) indicated, however, that while members may read to their heart's content they not be allowed to copy or take notes on the documents.

After the White House announcement that two copies of the papers would be sent to Congress, Secretary Laird went to the Capitol to work out security measures for storing, handling and protecting the documents.

White House press secretary Ronald L. Ziegler said that Mr. Nixon made his decision regarding the documents over the weekend in Key Biscayne, Fla., and communicated it to Mansfield at a breakfast meeting yesterday.

The President emphasized to Mansfield that the decision to offer the documents to the Congress does not represent any change of policy but merely reflects the special circumstances created by the recent unauthorized disclosures," Ziegler said.

Members of Congress had asked for the 47-volume Pentagon study and for the 1965 special Pentagon report on the Gulf of Tonkin incident.

The latter involved the 1964 attack by North Vietnamese torpedo boats on an American destroyer and led to the congressional resolution which President Johnson maintained empowered him to take offensive action against North Vietnam.

"President Nixon told Sen. Mansfield that the unauthorized publication of portions of the documents created a situation in which Congress would necessarily be making judgments in the meantime on the basis of the information that could give a distorted impression of the reports' contents," Ziegler said.

"For that reason the President feels it is only fair to Congress and to persons mentioned in the documents that the full report be made available."

"Since the documents relate primarily to the Johnson and Kennedy periods, President Nixon pointed out that he is not in a position to vouch for their accuracy or completeness."

Ziegler said that the top secret classification will be continued on the documents and that they will be made available to Congress on that basis.

"President Nixon reiterated to Sen. Mansfield that his primary continuing concern has been to protect the secrecy of government documents in cases where disclosure could harm the national security or impair negotiations with other nations," the press secretary said.

Pentagon spokesman Jerry W. Friedhelm explained that, as a rule of thumb, it is assumed that once a person is elected to Congress he or she has a top-secret clearance.

The White House announced Tuesday that the President on Jan. 15, 1971, had ordered a review of procedures and policy relating to the classification of documents.

Mansfield told reporters after the breakfast meeting that the President has long been concerned by the overclassification of papers and thinks there is too much classification even in his administration.

Publisher Pleased

In New York, Times publisher Arthur Ochs Sulzberger said that he was "pleased" with the President's action to give the papers to Congress. "The next step should be to release the documents to the American people," Sulzberger said.

Publisher Marshall Field of the Chicago Sun-Times said he felt his paper was "morally justified in showing the people where an arm of the government may have stepped beyond the bounds of our Constitution."

On Capitol Hill, Arthur J. Goldberg, former Supreme Court justice and Secretary of Labor, proposed that a special joint congressional committee conduct an investigation of "the causes and conduct" of the Indochina war. He said the "executive branch and newspapers that have published

portions of the Pentagon papers makes such a study "imperative" to preserve public trust in the candor and competency of our officials."

Goldberg was the leadoff witness at a series of hearings by the house subcommittee on foreign operations and government information into whether the need of the public and Congress to obtain information from the executive branch is being thwarted.

Goldberg also proposed that Congress pass legislation defining what sort of documents could be classified as secret by the administration and thus kept from public view.

He conceded there was need to preserve national security secrets, but he said the executive branch should not be permitted to use the classification stamp to hide mistakes and prevent political embarrassment. An independent review board should be set up decide whether documents have been properly classified, he said.

Goldberg said it would have been far better for everyone if the executive branch had submitted the Pentagon papers, minus security material, to Congress when it was prepared. He said it made no sense to him that even though much of the contents of the papers had been published by newspapers, Congress still could not get copies of the report.

A few minutes later, Rep. Ogden Reid (R-N.Y.) announced that President Nixon was sending both the House and Senate a copy of the 47-volume Pentagon study.

Reid and Rep. John E. Moss (D-Calif.), former chairman of the subcommittee, filed suit in U.S. District Court here yesterday morning asking that Secretary of Defense Melvin R. Laird be ordered to give them copies of the papers for their use. They said they were entitled to the papers under the Freedom of Information Act of 1966, of which the two were principal sponsors. No court action was taken on the suit yesterday.

Moss and Reid said they would press the suit, despite the President's action in sending Congress two copies, because they want full access to them.

Protest by Moss

Moss protested the decision that the papers would be referred to the House Armed

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High Court Refuses to Review CIA Suit

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The Supreme Court refused yesterday to review a lower court's decision that immunized a Central Intelligence Agency operative from a lawsuit for slander uttered "in the line of duty."

Over the dissents of Justices William O. Douglas and Potter Stewart, the court left standing the dismissal of a slander suit brought by Erik Heine, an Estonian emigre, against Juri Raus, the CIA agent who said his utterances were made under orders.

Raus, employed as a federal highway engineer, accused Heine, a lecturer on the evils of communism, of being a Soviet agent. The accusation was designed as a warning to the Estonian emigre community in the United States that their ranks had been infiltrated, according to Heine, who was supported in lower courts by CIA Director Richard Helms.

The CIA's immunity defense raised controversy over the agency's proper domestic role five years ago when it was discovered infiltrating the National Student Association.

Federal law prohibits "domestic security functions" by the CIA, but the federal district court in Baltimore and the Fourth U.S. Circuit Court of Appeals said Raus's actions were legitimate measures to protect the secrecy of America's foreign intelligence sources.

Four votes were needed for

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Radio Ex-Staffers to Testify

CIA Funds Hot Issue

By JOHN P. WALLACH

News American

Washington Bureau

WASHINGTON — Former American staffers of Radio Free Europe (RFE) are prepared to testify in Congress that they had to sign an oath refusing to divulge multimillion dollar Central Intelligence Agency (CIA) bank-rolling of RFE on penalty of a maximum \$10,000 fine and 10-year prison sentence.

This and other disclosures, sources close to Sen. Clifford P. Case cautioned today, could seriously embarrass the Nixon administration if it decides to take an uncooperative approach to the Senate Foreign Relations Committee hearings, scheduled to begin on April 23.

CASE HAS spearheaded a Senate drive to strip RFE of what he charged in a recent speech were subsidies of "several hundred million dollars" from "secret" CIA funds which, the New Jersey Republican contended, have for 20 years made up almost the entire RFE budget.

In an attempt to force RFE and Moscow-bearing Radio Liberty (RL) to quit the pretense of acting as "private" organizations relying solely on voluntary contributions, Case introduced legislation in February to have both propaganda agencies funded through direct, acknowledged congressional appropriations.

Case has announced his intention to call to testify leading administration officials reportedly including Secretary of State William P. Rogers, Secretary of Defense Melvin Laird and CIA Director Richard Helms.

THE ADMINISTRATION is examining a series of options ranging from fighting to maintain the status quo, which could turn the hearings into a parade of disclosures about the extent of CIA involvement, to congressional funding, in much the same manner as the Voice of America (VOA) is financed.

The most workable compromise now appears to be setting up a public corporation to run RFE. The corporation would be funded by Congress but would retain a semi-private character that would

allow the U. S. government, whenever convenient, to deny association with RFE policies.

Congressional sources stress that funding the corporation would not involve any new money since the government already is footing the bill. It would allow transferring the \$33 million annual subsidy from secret CIA coffers to the open, congressional appropriation process.

THE ADMINISTRATION review is considered so sensitive that the White House has ordered it take place in the supersecret "Forty Committee," also known as the "Covert Action Group."

Although chaired by National Security Council chief Dr. Henry Kissinger, the mechanism is used only when a subject is considered too hot to go to the President through regular SC channels.

The Chief Executive is known to have had personal ties to several of RFE's most prominent backers and to have strong feelings about RFE's importance in Europe.

Case's bill, which proposed amending the Information and Education Act to provide funds for RFE, has attracted bipartisan support from several senators, including Harold Hughes, D-Iowa, Jacob K. Javits, R-N. Y. and J. William Fulbright, D-Ark.

They are prepared to press the issue as an example of the loss of congressional control over U. S. foreign policy.

CASE WAS understood to be ready to call former RFE staffers to testify that the CIA regularly assigned agents to two-year tours of duty at RFE headquarters in Munich, and that they masqueraded as accredited news correspondents on information-gathering missions all over Eastern Europe.

Other American employees were sooner or later required to sign a paper making them privy to the CIA connection, sources close to Case disclosed.

The document, they said, informed the Americans that RFE was a "project" of the CIA, that the staffers had been "officially" informed and that if he

divulges the information he becomes liable for the maximum punishment under Section 783 (D), Title 50, of the U. S. Code.

This section proscribes penalties up to \$10,000 and 10 years in prison, for the "communication of classified information by government officer or employee."

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